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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/181,402	10/28/1998	MARK J. BEACH	RO998-106	9872

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SCHMEISER OLSEN & WATTS
18 E UNIVERSITY DRIVE
SUITE # 101
MESA, AZ 85201

EXAMINER

CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 05/16/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,402

Applicant(s)

BEACH, MARK J.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-49 are presented for examination. This office action is in response to the amendment filed on 2-27-2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordell et al (5,778,372) in view of Scorse et al (5,426,513).

Regarding claim 1, Cordell et al discloses that the claimed feature of an apparatus comprising: a transmitting computer [58] comprising: at least one processor [24]; a memory [26] coupled to the at least one processor [24]; an prioritized graphics file [62; "electronic document"] residing in the memory [memory 26 in computer 58], the prioritized graphics file defining higher priority image transmission portions ["embedded image"] and lower priority image transmission portions ["background image"] that have been selected and assigned priorities ["tagging background image"] such that when the prioritized graphics file is transferred across a network [52], the higher priority image

transmission portions ["embedded image"] of the prioritized graphics file are transmitted and displayed before the lower priority image transmission portions ["background image"] of the prioritized graphics file [62]. (See Abstract, Fig 1, Fig 2, Fig 3, Fig 4a-b, col 2 line 56-col 3 line 39, col 6 line 18-col 7 line 48, col 8 line 40-col 9 line 57)

Cordell et al does not explicitly disclose that a single prioritized graphics file, which contains higher priority image transmission portions and lower priority image transmission portions. However, Scorse et al discloses that "the portion of the visual image which the operator has determined to be the most significant is sent first". (See Fig 3D, Fig 6, col 5 line 63-col 6 line 22) It would have obvious to one having ordinary skill in the art at the time of Applicant's invention to incorporate the teaching of Scorse et al into the teaching of Cordell et al, in order to improve "transmission time is kept to a minimum and the information of most importance is transmitted with priority" (See col 6 line 17-19 in Scorse), as such improvement [prioritized image file] is also advantageously desirable in the teaching of Cordell et al for "enhancing the perception of responsiveness" with less transmitting time. (See Abstract line 2, col 1 line 7-12, col 2 line 56-59, col 3 line 40-45 in Cordell)

Regarding claim 2, refer to the discussion for the claim 1 hereinabove, Cordell et al discloses that a receiving computer [20] receiving image transmission portions of the prioritized graphics file, the receiving computer comprising an image interpreter and an

image viewer residing on the receiving computer, the image interpreter [24] translating the received image transmission portions of the prioritized graphics file into image data, such that the image viewer [72] can display the higher priority image transmission portions of the prioritized graphics file before displaying the lower priority image transmission portions of the prioritized graphics file. (See Fig 1, Fig 2, col 2 line 56-col 3 line 39)

The combination of Cordell et al and Scorse et al do not explicitly disclose that "an image interpreter". However, the image interpreter is inherent by "the web browser" of Cordell et al in order to display the received image file on the display device. Therefore, it would have been obvious to one skilled in the art to have "image interpreter" in the teaching of Cordell et al.

Regarding claim 3, refer to the discussion for the claim 1 hereinabove, Cordell et al discloses that an image prioritization editor residing in the memory, the image prioritization editor allowing at least one image transmission portion of the prioritized graphics file to be selected and assigned at least one priority. (See Fig 1, Fig 2, Fig 4, col 2 line 56-col 3 line 39; Also See Fig 3D, Fig 6, col 5 line 63-col 6 line 22 in Scorse)

Regarding claim 4, refer to the discussion for the claim 1 hereinabove, Cordell et al discloses that the image interpreter saving the prioritized graphics file in a prioritized graphics file format. (See Fig 1, Fig 2, Fig 4, col 2 line 56-col 3 line 39; Also See Fig 3D, Fig 6, col 5 line 63-col 6 line 22 in Scorse)

The combination of Cordell et al and Scorse et al do not explicitly disclose that “an image interpreter”. However, the image interpreter is inherent by “the web browser” of Cordell et al in order to display the received image file on the display device. Therefore, it would have been obvious to one skilled in the art to have “image interpreter” in the teaching of Cordell et al.

Regarding claim 5, refer to the discussion for the claims 1 and 4, Cordell et al disclose that the prioritized graphics file format comprises joint picture experts group format, graphics interchange format, or bitmap format. (See Fig 1, Fig 2, Fig 4, col 2 line 56-col 3 line 39; Also See Fig 3D, Fig 6, col 5 line 63-col 6 line 22 in Scorse)

Regarding claim 6, refer to the discussion for the claim 1 hereinabove, Cordell et al discloses that the prioritized graphics file format comprises a plurality of image transmission portions of the prioritized graphics file, each image transmission portion corresponding to the at least one priority. (See Fig 1, Fig 2, Fig 4, col 2 line 56-col 3 line 39; Also See Fig 3D, Fig 6, col 5 line 63-col 6 line 22 in Scorse)

Regarding claim 7, Cordell et al discloses that a simulation browser residing in the memory, the simulation browser simulating transmission and reception of the prioritized graphics file, the simulation browser adding a delay between image transmission portions of the prioritized graphics file. (See Fig 1, Fig 2, col 2 line 56-col 3 line 38, col 8 line 29-37)

Regarding claim 8, claim 8 is similar in scope to the combination of claims 1 and 2, and thus the rejections to claims 1 and 2 hereinabove are also applicable to claim 8.

Regarding claims 9-13, claims 9-13 are respectively equivalent to claims 3-7, and thus the rejections to claims 3-7 hereinabove are also respectively applicable to claims 9-13, but applied in view of the rejections to base claim 8.

Regarding claims 14-16, claims 14-16 are similar in scope to claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 14-16.

In addition, Cordell et al discloses that signal bearing media bearing the image interpreter wherein the signal bearing media comprises transmission media or recordable media. (See Abstract, Fig 1, Fig 2)

Regarding claims 17-22, claims 17-22 are respectively equivalent to claims 2-7, and thus the rejections to claims 2-7 hereinabove are also respectively applicable to claims 17-22, but applied in view of the rejections to base claim 14.

Regarding claim 23, claim 23 is the corresponding program product of claims 14 and 17. Thus, the rejections to claims 14 and 17 hereinabove are also applicable to claim 23.

Regarding claims 24-30, claims 24-30 are respectively equivalent to claims 15-22, and thus the rejections to claims 15-22 hereinabove are also respectively applicable to claims 24-30, but applied in view of the rejections to base claim 23.

Regarding claim 31, claim 31 is the corresponding method of claim 1. Thus, the rejection to claim 1 hereinabove is also applicable to claim 31.

Regarding claims 32-34, claims 32-34 are respectively equivalent to claims 4-6, and thus the rejections to claims 4-6 hereinabove are also respectively applicable to claims 32-34, but applied in view of the rejections to base claim 31.

Regarding claim 35-36 and 38-40, claim 35-36 and 38-40 are similar in scope to claims 8, 13 and 10-12. Thus, the rejections to claims 8,13 and 10-12 hereinabove are also applicable to claim 35-36 and 38-40.

Regarding claim 37, Cordell et al discloses that the step of translating the portion of the image file into image data further comprises that step of decompressing the portion of the image file. (See Fig 1, Fig 2; Also See Fig 3-6 in Scorese)

Cordell et al does not explicitly disclose that "decompressing". However, decompressing is inherent in order to decompress the compressed image data for displaying. Therefore, it would have been obvious to one skilled in the art to have "decompressing" into the teaching of Cordell et al.

Regarding claims 41-49, claims 41-49 are similar in scope to the claim 5, and thus the rejection to claim 5 hereinabove is also applicable to claims 41-49.

Response to Arguments/Amendment

Applicant's arguments received on 2-27-2003 have been carefully considered. However, they do not overcome the previous rejections, which have been maintained. Thus, the finality of this office action is deemed proper.

Regarding claims 1,8,14,23,31 and 35, Applicant argued that the cited references (Cordell in view of Scorse) do not disclose that each and every feature of claim 1. (See Remarks p. 14 line 1-8) However, Cordell et al clearly teaches that “an prioritized graphics file [62; “electronic document”] residing in the memory [memory 26 in computer 58], the prioritized graphics file defining higher priority image transmission portions [“embedded image”] and lower priority image transmission portions [“background image”] that have been selected and assigned priorities [“tagging background image”] such that when the prioritized graphics file is transferred across a network [52], the higher priority image transmission portions [“embedded image”] of the prioritized graphics file are transmitted and displayed before the lower priority image transmission portions [“background image”] of the prioritized graphics file [62]. [drawing an initial display of the electronic document without the background image, then redrawing the display of the electronic document including the background image]” (See Abstract, Fig 1, Fig 2, Fig 3, Fig 4a-b, col 2 line 56-col 3 line 39, col 6 line 18-col 7 line 48, col 8 line 40-col 9 line 57) Additionally, even if Cordell et al does not explicitly disclose every limitation of claim 1. Scorse et al clearly discloses that a transmitter (22 in Fig 1; a transmitting computer), which connected to control processing (16 in Fig 1; a processor) and storage, (14 in Fig 1; a memory) within network structure (24 in Fig 1,30); “the operator of system specify [selecting and assigning priorities] a specific block or specific location within the grid which is of particular interest to the operator for transmission” (See col 5 line 20-24); “the digital data corresponding to the selected portions may then be loaded into communication packets [graphic file] which may be provided, in the order

[priorities] selected by the operator, to the transmitter of transmission" (See col 4 line 54-58); "the portion of the visual image which the operator has determined to be the most significant is sent first" (See col 6 line 10-13). Applicant argued that Scorse does not disclose the step of storing the assigned priorities. (See Remarks p.14 line 19-2) However, in telecommunication, buffering (saving) communication packets [prioritized graphic file] before transmission is inherent because queuing and synchronizing between the transmitter and receiver is required.

Conclusion

Applicant's response and amendment are not persuasive and the previous grounds of rejection have been maintained. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

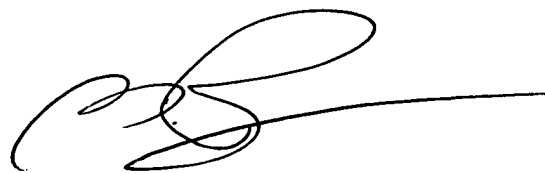
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
May 5, 2003



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600